



KAPLAN KIRSCH ROCKWELL

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August 17, 2006

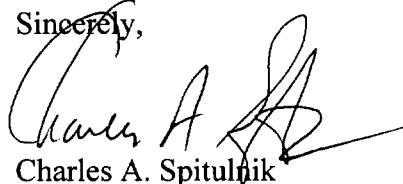
Honorable Vernon A. Williams  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, DC 20423-0001

Re: *CSX Transportation, Inc., Norfolk Southern Railway Company, and Consolidated  
Rail Corporation – Joint Use and Operation Exemption*  
Finance Docket No. 34909

Dear Sir:

I am enclosing an original and ten copies of the Response of New York City Economic Development Corporation to Petition for Exemption and to Request for Expedited Consideration in the above referenced proceeding. An extra copy is enclosed for date stamp and return to our messenger. Please note that a 3.5 inch diskette is enclosed.

Sincerely,



Charles A. Spitulnik

Enclosure

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Public Record

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**Before the  
Surface Transportation Board  
Washington, D.C.**

**Finance Docket No. 34909**



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**CSX TRANSPORTATION, INC., NORFOLK SOUTHERN RAILWAY COMPANY,  
AND CONSOLIDATED RAIL CORPORATION – JOINT USE AND OPERATION  
EXEMPTION**

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**RESPONSE OF NEW YORK CITY ECONOMIC DEVELOPMENT CORPORATION  
TO PETITION FOR EXEMPTION AND  
TO REQUEST FOR EXPEDITED CONSIDERATION**

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document should be addressed to:

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**Before the  
Surface Transportation Board  
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**CSX TRANSPORTATION, INC., NORFOLK SOUTHERN RAILWAY COMPANY,  
AND CONSOLIDATED RAIL CORPORATION – JOINT USE AND OPERATION  
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**RESPONSE OF NEW YORK CITY ECONOMIC DEVELOPMENT CORPORATION  
TO PETITION FOR EXEMPTION AND  
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The New York City Economic Development Corporation (“NYCEDC”) hereby submits its response in support of the Petition of CSX Transportation, Inc., Norfolk Southern Railway Company, and Consolidated Rail Corporation (“Railroads”) for Exemption filed in the above referenced proceeding on August 8, 2006.<sup>1</sup> NYCEDC enthusiastically supports both the request for approval of the operating agreement that is the subject of the Railroads’ Petition, and the attendant request for expedited consideration of the Petition.

This Board is well aware of the plans to reactivate rail service on Staten Island, having recently reviewed petitions from both NYCEDC and the Port Authority of New York and New Jersey with respect to the proposed restoration of rail service.<sup>2</sup> The Railroads’ Petition, when

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<sup>1</sup> The Railroads have also filed, in related proceedings, 1) a Notice of Termination of Modified Certificate of Public Convenience and Necessity in F.D. No. 34473, *CSX Trans., Inc., et al. – Modified Certificate of Public Convenience and Necessity – Operation of Line and Facilities in Staten Island, NY and New Jersey*; and 2) Notice of Modified Certificate of Public Convenience and Necessity in F.D. No. 34908, *CSX Trans., Inc., et al. – Modified Certificate of Public Convenience and Necessity – Staten Island, NY and New Jersey*. NYCEDC also supports the positions taken by the Railroads in those pleadings.

<sup>2</sup> F.D. No. 34428, *Port Authority of NY and NJ – Petition for Declaratory Order, slip op.* (Service Date Jan. 21, 2004); F.D. No. 34429, *New York City Econ. Dev. Corp. – Petition for Declaratory Order, slip op.* (Service Date July 15, 2004).

approved, will place the last pieces of the puzzle in position so that rail service can resume.

NYCEDC, which is managing the reactivation project, believes that all work on the right-of-way that is required for rail service to begin will be completed by October 1, 2006. Accordingly, the request for expedited consideration of the Railroads' Petition is well founded.

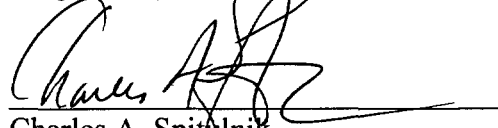
Furthermore, NYCEDC respectfully requests this Board adopt the procedural schedule proposed by the Railroads set forth in their Petition which sets the following deadlines:

August 8, 2006:	Petition for Exemption filed
August 18, 2006	Federal Register Notice Published
September 7, 2006:	Comments in response to the Railroads' filing
September 11, 2006:	Reply to Comments
October 1, 2006:	Decision effective on date of service/service start date

WHEREFORE, NYCEDC respectfully requests this Board to expedite its handling of this Petition for Exemption and to grant the relief requested by the Railroads therein.

Dated: August 17, 2006

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

I hereby certify that I have this 17<sup>th</sup> day of August, 2006, caused to be served a copy of the foregoing Response of New York City Economic Development Corporation to Petition for Exemption and to Request for Expedited Consideration upon the following parties of record by first class mail, with postage prepaid:

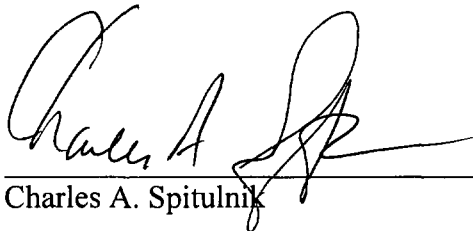
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